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2013 SEP 13 PM 4:10

CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
SANTA ANA

BY

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

HEDLUND TRUST #10612,
SOUTHLAND HOMES REAL
ESTATE AND INVESTMENT AS
TRUSTEE,

Plaintiff,

vs.

HOAI PHAN; DOES 1 TO 5,

Defendants.

CASE NO. SACV 13-01365 UA (DUTYx)

ORDER SUMMARILY REMANDING
IMPROPERLY-REMOVED ACTION

The Court remands this unlawful detainer action to state court summarily because defendant Chau Luu ("Defendant") removed it improperly.

On September 3, 2013, Defendant, having been sued in what appears to be a routine unlawful detainer action in California state court, lodged a Notice of Removal of that action to this Court and also presented an application to proceed *in forma pauperis*. The Court has denied the latter application under separate cover because the action was not properly removed. To prevent the action from remaining in jurisdictional limbo, the Court issues this Order to remand the action to state court.

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1 Simply stated, Plaintiff could not have brought this action in federal court in the
2 first place, and Defendant does not competently allege facts supplying either diversity
3 or federal-question jurisdiction. Therefore, removal is improper. 28 U.S.C. § 1441(a);
4 *see Exxon Mobil Corp. v. Allapattah Svcs., Inc.*, 545 U.S. 546, 563, 125 S. Ct. 2611, 162
5 L. Ed. 2d 502 (2005). Even if complete diversity of citizenship exists, the amount in
6 controversy does not exceed the diversity-jurisdiction threshold of \$75,000. *See* 28
7 U.S.C. §§ 1332, 1441(b). On the contrary, the unlawful-detainer complaint recites that
8 the amount in controversy does not exceed \$10,000. Nor does Plaintiff's unlawful
9 detainer action raise any federal legal question. *See* 28 U.S.C. §§ 1331, 1441(b).

10 Defendant is further notified and warned that any subsequent attempts to remove
11 the underlying state unlawful detainer action to this Court will be improper and will
12 constitute vexatious conduct that the Court will address by way of punitive remedial
13 measures, which may include having Defendant designated as a vexatious litigant and
14 barred from commencing any further removal actions with respect to the underlying state
15 unlawful detainer action.

16 Accordingly, IT IS ORDERED that (1) this matter be REMANDED to the
17 Superior Court of California, Orange County, 1275 North Berkeley Avenue, Fullerton,
18 California, 92838, for lack of subject matter jurisdiction pursuant to 28 U.S.C.
19 § 1447(c); (2) that the clerk send a certified copy of this Order to the state court; and (3)
20 that the clerk serve copies of this Order on the parties.

21
22 IT IS SO ORDERED.

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24 DATED: 9/11/13

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27 GEORGE H. KING
28 CHIEF JUDGE